



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,005	10/24/2003	John W. Forsberg	1023-294US01	9349
28863 7590 09/08/2009 SHUMAKER & SIEFFERT, P. A. 1625 RADIO DRIVE SUITE 300 WOODBURY, MN 55125				
EXAMINER FLORY, CHRISTOPHER A				
ART UNIT		PAPER NUMBER		
3762				
NOTIFICATION DATE		DELIVERY MODE		
09/08/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pairedocketing@ssiplay.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte*: JOHN W. FORSBERG, MARK E. SCHOMMER,  
DAVID P. OLSON, WILLIAM C. PHILIPS, ALEX C. TOY  
and CHARLES R. LEWIS, JR.

---

Application 10/693,005  
Technology Center 3700

---

Mailed: September 4, 2009

---

Before Eric W. Hawthorne, *Supervisory Paralegal Specialist*

ORDER DISMISSING APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on August 24, 2009. A review of the application revealed that a “PETITION UNDER 37 C.F.R. § 1.181 (a) TO REQUEST DESIGNATION OF NEW GROUNDS OF REJECTION IN EXAMINER’S ANSWER” was filed on June 1, 2009. The above petition was granted.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on June 1, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

**CONCLUSION**

Accordingly, it is ORDERED that the application be returned to the Examiner:

- 1) consider the Reply Brief filed June 1, 2009, as indicated above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWB/LV

SHUMAKER & SIEFFERT, P. A.  
1625 RADIO DRIVE  
SUITE 300  
WOODBURY, MN 55125